

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DONNELL DRINKS, :  
v. Plaintiff :  
BARRY JOHNSON, et al., : Case No. 3:10-cv-1-KRG-KAP  
Defendants :  
v.

Summary Report and Recommendation

Plaintiff filed a complaint in January 2010, which I found, upon screening in February 2010, insufficient to state a federal claim. Plaintiff was for the next year repeatedly given additional time to amend his complaint, but with the exception of a single claim that some as yet unidentified defendant deliberately put insufficient postage on plaintiff's outgoing mail so that it would be returned and read by corrections officers, plaintiff has still not stated a colorable nonconclusory federal claim. Plaintiff was ordered to provide copies of his amended complaint for service of his single colorable claim, but no further word has been heard from plaintiff. Plaintiff may have lost interest, or he may be only interested in the balance of his complaint, which has pending objections to my recommended dismissal. Either way, I recommend that the "postage claim" of plaintiff's complaint be dismissed for plaintiff's failure to reply to, much less meet, a specific deadline for amending his complaint.

Pursuant to 28 U.S.C. § 636(b)(1), the plaintiff is given notice that he has fourteen days to serve and file written objections to this Report and Recommendation. Under Grayson v. Mayview State Hospital, 293 F.3d 103 (3d Cir.2002), plaintiff is not given leave to amend his complaint further because it would be inequitable.

DATE: Aug 13, 2011

  
Keith A. Pesto,  
United States Magistrate Judge

Notice by U.S. Mail to:

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